

American tragedy to deport this brave and talented healthcare professional in the midst of a pandemic. We must ensure that she and hundreds of thousands of our essential workforce are not forced to stop contributing when the need for their service has never been greater, and we must give them the chance they deserve to become American citizens.

I cannot express my gratitude enough for President Biden, in the first hours that he was in office, recognizing the needs of the DACA recipients and the Dreamers. I want to work with him and work with both parties across the aisle to make this dream come true for so many who deserve it. They have waited long enough.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF AVRIL HAINES

Mr. COTTON. Mr. President, for the information of other Senators who want to know if we have a vote tonight specifically on the nomination of Avril Haines to be Director of National Intelligence, I was the last person to object to holding that vote. I no longer object.

I wanted to have a question for the record answered. Miss Haines, thankfully, responded to my question yesterday. I want to thank Senator RUBIO and Senator WARNER for helping us get that answer.

Specifically, in her open session yesterday, she gave an answer to Senator WYDEN that suggested the intelligence community might reopen investigations into detention interrogation programs from 2001 to 2006. She clarified, in the private setting that we had, that she had no intention to open up those investigations and expose operations officers inside the CIA to criminal prosecution or adverse employment action or even holding it against them in potential future promotions or placements.

She has confirmed that in the written record. I am glad to see that we are not going to reopen that period.

I want to thank Ms. Haines for providing the answer.

Most importantly, I want to thank our brave operations and paramilitary operations officers in the CIA for what they do, always, to keep this country safe. I am ready to vote on this nomination. I believe the rest of the Senate is as well.

I yield back the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIDEN ADMINISTRATION

Mr. RUBIO. Mr. President, at noon today, Joe Biden was sworn in as our

new President. I never served with President Biden when he was a Senator, but I can tell you, from direct and firsthand experience, that he is a man of tremendous empathy. I have witnessed it. And so I pray that God will bless him with strength, with health, and with wisdom, because I don't need to tell anyone that we, in our Nation, are living in troubled times.

President Trump was elected and then, in this last cycle, received 75 million votes, in part because he spoke to and was brutally honest about some of the grievances and the fears that are now dividing our country. It is important to understand that he didn't create them, and that is why his exit alone is not going to make America normal again.

The troubles we face and the things that now divide us really aren't so much about politics or about ideology. If you look into them, they are really more about the things that are at the core of our identity as a nation and as a people.

Our people want a country where everybody has the opportunity to find a good job, to get married, to live in a safe neighborhood, to not go into debt because they have a baby, to send their kids to a good school, and one day to retire with dignity and security. But we have millions of Americans who increasingly feel that that kind of life and those kinds of things are out of reach for them, and they are really frustrated that neither those in government or either political party seem to be doing much about them.

The people need a sense of belonging and purpose, but the places that we used to get that from—our families, the community groups we joined, the synagogues, the churches—many of them are in collapse. So now you have millions of people who feel isolated or alienated and some who are turning to hyperpartisan politics and even online conspiracy cults to fill the void that those institutions once filled.

The overwhelming majority of Americans reject racism and bigotry and discrimination. But they also reject identity politics, which constantly seems to want to divide us against and apart from each other on the basis of race and ethnicity and gender.

We are a nation that is proud of our heritage as a nation of immigrants, but millions of Americans—I would say the majority—also believe we are a nation that has to have immigration laws. They need to be followed, and they need to be enforced.

Most Americans accept that our country, our society is changing, and they understand that there are people with different views and different ways of life. What they do resent is efforts to demonize and to persecute those who hold the traditional values that are inherited from our Judeo-Christian heritage.

Most Americans believe decency and morality require that everyone is entitled to dignity and to respect. But

there are also many growing increasingly tired of walking on eggshells of political correctness and forced to undergo sensitivity training because everyone seems to be so easily offended these days by everything.

People understand that we have to do something. It is a problem. We have to do something about people who use social media to spread dangerous lies, to instigate violence. But I think they also have a right to be very troubled that five CEOs of technology companies—five people in five companies, elected by no one, accountable to no one—have the power, if they so choose, to wipe out, to silence anyone—even a President.

And I would tell you that, almost without exception, they were horrified—horrified—about what happened here 2 weeks ago today. They want those people in jail. But they also wonder: Where was that outrage when this summer, in multiple cities, across a number of months, there were people setting fire to police cars and breaking into police stations and attacking courthouses and looting private property?

I will tell you that they see firsthand every day the extraordinary damage being done by this terrible pandemic and the damage being done by our bitter divisions, which, frankly, I think most Americans will never understand why the first thing we are going to do here, potentially, is an impeachment trial of a President who isn't even in office anymore.

What happened today was incredibly important. The pageantry, the rituals behind it—it matters. And for the 59th time in our history, we peacefully transferred power from one leader to the next. I think the fact that that happened on the very steps of this Capitol, where just 2 weeks ago on this day we saw an unimaginable attack on democracy, that should serve as a reminder to all of us in this country and a powerful message to the world that our Republic remains resilient.

But now the hard work of self-government begins, and these anxieties I have just described—the tens of millions of Americans—need to be acknowledged, and they need to be addressed. If they are ignored, if they are allowed to fester, what it will do is it will leave us not just a nation that is paralyzed and can't take action on important issues; we are going to be left a nation that remains vulnerable to those who are willing to exploit and stir the most destructive impulses.

Today, President Biden struck important tones of national unity, and I believe they were sincere. But pursuing a radical agenda in a country so divided does not serve the cause of unity. It will only serve cynicism that destroys trust.

By the same token, continuing to fan the flames of grievances or, in the alternative, pursuing vengeance disguised as accountability will not serve the cause of unity either. That is nothing but the politics of resentment and

retribution, which only leads to a fractured nation of people who literally come to hate each other.

Demanding that the other side in a debate on a topic, on a principle, agree with you on everything isn't unity. That is the arrogance of believing that any of us—that we are the sole holders of the truth: Anyone who agrees with us is good, and anyone who disagrees with us is wrong—not just wrong but, actually, evil.

The truth is that real unity isn't everyone having the same ideology or the same views or the same ideas. The unity we need actually comes from remembering—remembering who we actually are.

We Americans are not a racist or nativist people. We are a good and compassionate people who—in an overwhelming majority, they do not ask about race when they donate unwrapped toys so that no child has to wake up on Christmas morning with no present under the tree. They don't ask where a soldier's or sailor's or airman's or airwoman's parents came from when they put together and send care packages to them halfway around the world that they defend. We Americans are a bold people. In our veins literally runs the blood of pilgrims, of settlers, of exiles, of immigrants, of people who overcame slavery and segregation. We are the descendants of people who refused to surrender to fear and to abandon the hope of a better life.

We Americans are not the inheritors of an American dream that is some prize that we have to fight against one another for in some winner-take-all competition. We are the inheritors of an American dream that anyone can achieve without it being denied to someone else.

This is who we were when this country inspired and changed the world, and I hope this is who we will be again: a people who disagree over principles, who argue over policies—that has to happen because our Republic depends on every view having a voice and every voice having a place to be heard—but also a people who now understand that the choice before us is, we will either find a way to share a nation and a future, or we will all share the condemnation of history and the rebuke of Americans yet to come.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Oregon.

NOMINATION OF AVRIL DANICA HAINES

Mr. WYDEN. Mr. President, I rise to discuss the nomination of Avril Danica Haines to be Director of National Intelligence. I think my colleagues know that in a few minutes, the Senate will be voting on her nomination for this key position.

I briefly intend to outline where I think things stand on several sensitive issues with the 18 agencies that make up the intelligence community.

The Biden administration and Ms. Haines have an opportunity and a duty to turn the page on the coverups and lawlessness of the outgoing administration. That is why I asked Ms. Haines at her confirmation hearing whether she would abide by a law that I authored requiring an unclassified report on who was responsible for the killing of Washington Post journalist Jamal Khashoggi.

Jamal Khashoggi was a U.S. resident who was lured to the Saudi consulate in Istanbul and brutally murdered. Despite press stories that the Saudi Arabian leader was responsible for the killing, the Trump administration stayed mum, just stonewalled. For a whole year, the Trump administration just ignored the law that I wrote. So I asked Ms. Haines at our hearing whether she would follow the law and provide that unclassified report on who was responsible for Jamal Khashoggi's murder. Ms. Haines' response was straightforward. She said she would provide the report and comply with the law.

That statement, frankly, as modest as it was, was a sea change, colleagues, from the obstructionism and stonewalling of the Trump administration. The Trump administration had basically taken the position on laws like this transparency measure that it was kind of optional for the executive branch to comply.

So Ms. Haines' direct commitment to making that key report on the role the Saudi leaders in the murder of Jamal Khashoggi, in my view, was a real step forward for the rule of law, for accountability, and for human rights. And I will say as a journalist's kid that it was a real step forward for the freedom of the press everywhere.

The second subject I discussed with Ms. Haines was a particularly troubling aspect of the CIA's recent history. The CIA spied on the staff of the Senate Intelligence Committee when the staff was writing the torture report. As Deputy Director, Ms. Haines didn't hold anyone accountable. In my view, this abuse, this spying on the Senate Select Committee on Intelligence, basically, colleagues, turns the whole concept of oversight on its head. The U.S. Congress is supposed to do oversight on the executive branch and not visa-versa.

In response to my questions at the hearing, Ms. Haines admitted that the spying on the committee was wrong. She also agreed that she supported recommendations to expand accountability and would apply that expanded accountability to the intelligence community at large. And when she was asked about the CIA's baseless efforts to have committee staff prosecuted, she agreed that there ought to be guardrails against that happening again.

The third area I explored with the nominee was the need to rebuild trust in the intelligence community, which, in my view, requires a new focus on transparency and openness. For exam-

ple, there ought to be transparency so that the American people know what kind of surveillance is being conducted on them. The President of the Senate knows about the important vote we had on that amendment that I offered, the bipartisan amendment with Senator DAINES, because we ought to get transparency on whether the government is spying on the browsing history of the American people.

So this is really a critical and growing concern because we are all seeing data brokers and others selling people's data, and it is especially important that the American people are told if the government is using a legal loophole in the law in the warrant requirement of the Fourth Amendment. So I asked Ms. Haines about circumstances in which the government, instead of getting an order, just goes out and purchases the private records of Americans from these sleazy and unregulated commercial data brokers who are simply above the law—literally above the law. I believe this practice is unacceptable, and soon I will be introducing legislation to make it clear that the Fourth Amendment is not for sale.

Now, for Congress to tackle the topic, it is vitally important that there be an informed public debate about what the government is collecting right now and what it believes is a legal basis for the collection. And I was encouraged by how Ms. Haines responded to that question I asked. She said it was critical that the American people have an understanding of when and under what authorities the government is buying their private data.

Now, Ms. Haines made a number of other commitments related to transparency issues, many of which relate to a problem that I have come to describe as "secret law."

To my colleagues—I see our new Members here—people think when a law is written, they go to a coffee shop in Atlanta or Athens or Tucson, and they read about a law, and they think that is what the public law says. But secret law is based on the proposition that after the public law is put in place, the government often reinterprets the public law in secret and keeps the new interpretation secret under the pretext that this secrecy is just so key to keeping Americans safe.

The reality is that the interpretation of public law ought to be transparent and public as well, and it comes down to a very straightforward principle. I am a strong opponent of secret law. I am a strong supporter of transparency. And I intend to remind Director Haines what she told me just a few days ago about transparency and to push hard for the public release of as much information as possible when Americans deserve to see it, and they can see it when it is consistent with the safety and well-being of their households and their loved ones.

I also intend to push the Director of National Intelligence to fix a broken declassification system. For years, a